

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WISCONSIN**

MARK MLSNA,

Plaintiff,

CASE NO. 3:18-cv-00037

v.

PLAINTIFF'S MOTIONS IN LIMINE

UNION PACIFIC RAILROAD COMPANY,

Defendant.

Plaintiff Mark Mlsna moves this Court through these motions in limine to limit the evidence and argument presented by Defendant Union Pacific Railroad Company. As set forth in greater detail in Mlsna's memorandum in support of this motion, Mlsna asks this Court to limit the presentation of evidence and argument in four areas:

1. First, this Court should preclude Union Pacific from introducing dosimetry data that was produced on May 12, 2021. This evidence was produced far too late, and its introduction now would be prejudicial to Mlsna.
2. Second, this Court should preclude Union Pacific from presenting evidence or argument regarding Mlsna's receipt of retirement benefits. These benefits are a collateral source that should not be before the jury.
3. Third, this Court should preclude Union Pacific from presenting evidence or argument regarding Union Pacific's vocational-rehabilitation department and any claimed efforts it made to find Mlsna a new job at Union Pacific.
4. Fourth, this Court should preclude Union Pacific from presenting evidence or argument regarding the Federal Employers' Liability Act ("FELA"). The FELA is not relevant to this discrimination case and discussion of the FELA risks confusing the jury.

Dated: May 18, 2021

Respectfully submitted:

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CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2021, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic filing:

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